

**Town Board Minutes**

December 5, 2022

Meeting No. 23

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5<sup>th</sup> day of December 2022 at 7:00 P.M. and there were

**PRESENT:** MARK BURKARD, COUNCIL MEMBER  
ADAM DICKMAN, COUNCIL MEMBER  
ROBERT LEARY, COUNCIL MEMBER  
DAVID MAZUR, COUNCIL MEMBER  
RONALD RUFFINO, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
THOMAS FOWLER, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
WILLIAM KARN, CHIEF OF POLICE  
MICHELLE BARBARO, DEP. HIGHWAY SUPERINTENDENT  
JOHN PILATO, HIGHWAY SUPERINTENDENT  
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

**EXECUTIVE SESSION:**

AT 8:02 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER BURKARD, for the purpose of entering into an Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

At 9:02 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER MAZUR, to close the Executive Session,

The question of closing the Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

**PERSONS ADDRESSING TOWN BOARD:**

**Curran, James**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Darmograi, Wasyl**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Gaspar, Carol**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Gehen, Ed**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Hajduk, Mike**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Lach, David**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Leonard, Mike**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Nosbisch Jr., Paul**, spoke to the Town Board on the following matters:

- Referenced a safety issue on Aurora Street and requested sidewalks.
- Stated more Police Officers are needed in Lancaster.

**Ulanowicz, Ted**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**Vealey, Elizabeth**, spoke to the Town Board on the following matter:

- Opposes a park being created on Partridge Walk.

**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.:** No. 1 - L.L. Code Enforcement Program

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER DICKMAN, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law Code Enforcement Program matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
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None

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, to close the public hearing.

ALL IN FAVOR, MOTION CARRIED, the public hearing was closed at 7:06 P.M.

Decision on this matter was reserved.

December 5, 2022

**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.:** No. 2- L.L. Permit and Application Fees

MOTION BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER MAZUR, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:065 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law Chapter 258, Permit and Application Fees matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
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None

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD AND CARRIED, to close the public hearing.

ALL IN FAVOR, MOTION CARRIED, the public hearing was closed at 7:07 P.M.

Decision on this matter was reserved.

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**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.:** No. 3 – Sp Use Pmt 10 Lancaster Parkway

MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER LEARY, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:07 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit 10 Lancaster Parkway matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Jeff Palumbo Representing Petitioner	Proponent

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, to close the public hearing.

ALL IN FAVOR, MOTION CARRIED, the public hearing was closed at 7:10 P.M.

Decision on this matter was reserved.

December 5, 2022

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**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
November 21, 2022 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Check Run #12052022

Total amount hereby authorized to be paid: \$2,883,714.49

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER MAZUR WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER LEARY, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.  
 (CSW) = Conditional sidewalk waiver  
 (V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE
Village				
20228460		Empire Telecom USA, LLC	0 Penora St	Cell Tower - Alteration
20228521		Vinyl Outlet Inc.	12 Sedge Run	Er. Deck
20228586		Shawn Drzyzga	9 Kelly Ann Dr	Er. Deck
20228587		Buscaglia Decks	5 Mary Rachel Pl	Er. Deck
20228588		F.J. Wailand Associates, Inc.	80 Rotech Dr	Er. Comm. Add./Alt.
20228595		Central Heating & Cooling Inc.	39 Heritage Dr	Inst. Generator
20228615		Zenner & Ritter Co. Inc.	15 Fieldstone Ln	Inst. Generator
20228620		Heritage Structures	34 Wainwright Ct	Er. Shed
20228621		House Crafters LLC	11 Ravenwood Dr	Re-Roof
20228622		John Guida	6425 Transit Rd	Er. Sign - Temp
20228623		Karen Mutka	50 Stephens Ct	Dumpster - Temp. (V/L)
20228624		Franks Commercial & Home	8 Creekwood Dr	Er. Res. Alt.
20228626		Zenner & Ritter Co. Inc.	20 Kent Pl	Inst. Generator
20228628		Susan Miller	5 Country Pl	Inst. Fireplace/Stove
20228632		Brandon Koch	22 Deepwood Pl	Er. Fence
20228633		Sunrooms of Buffalo, LLC	708 Ransom Rd	Er. Res. Add.
20228637		MANN Construction	131 Aurora St	Re-Roof (V/L)
20228638		Commercial Power Systems dba	90 Stutzman Rd	Inst. Generator
20228641		Elizabeth Falbo	1 Foreststream Dr	Inst. Generator

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MAZUR, TO WIT:

**WHEREAS**, Diane Terranova, Lancaster Town Clerk, on behalf of the Town Clerk's Office and the Building and Zoning Department, is requesting authorization to purchase the Edmunds IPS Web Portal System that would allow contractors to initiate, submit and track requests for permits online, and

**WHEREAS**, the Town previously entered into an agreement with Edmunds GovTech, Inc., to provide annual website support and maintenance services for the Town's website, and

**WHEREAS**, the Town Clerk obtained a proposal for professional services from Edmunds GovTech, Inc., for the IPS Web Portal to include licensing and support services in the amount of \$2,800.00 per their Sales Order (Order # 00004398) dated November 23, 2022, and

**WHEREAS**, per the terms and conditions contained within the proposal, the fee for the current annual Support Services Maintenance agreement will be \$700.00, this service agreement will automatically renew each March 1<sup>st</sup> at the then-current applicable fees, unless written notice requesting to terminate the agreement is provided ninety (90) days prior to the renewal.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the request made by the Town Clerk on behalf of her department and the Building and Zoning Department to purchase the Edmunds IPS Web Portal System that would allow contractors to initiate, submit and track requests for permits online, and

**BE IT FURTHER,**

**RESOLVED**, that the Town Clerk is authorized to execute the Sales Order (Order # 00004398) submitted by Edmunds GovTech, Inc., dated November 23, 2022 for an amount not to exceed \$2,800.00 and which will be paid for with funds from the Town's 2023 Safety Inspection, Contractual Expenses, Contractual Services, Budget (Line Item B3620.411).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**WHEREAS**, by resolution adopted on November 21, 2022, the Town Board of the Town of Lancaster granted a Special Use Permit to **Fred Donato**, on behalf of **Donato Homes, Inc.**, to operate a thirteen (13) unit Storage Building on premises locally known as 5841 Genesee Street (SBL No. 94.00-2-11.11) in the Town of Lancaster, New York, for the period November 21, 2022, through November 20, 2024, and

**WHEREAS**, by email dated November 28, 2022, Code Enforcement Officer has recommended amending the Special Use Permit approval to adequately reflect the approved site plan by clarifying the allowed usage with the permit which read as follows:

- for the proposed construction of fourteen (14) buildings, with two-hundred fifty-five (255) rental units, including the rental office, which will operate as a Public Storage Facility, and

**WHEREAS**, the Town Board has given due consideration to the request made by Matthew Fischione to amend the Special Use Permit granted to Fred Donato, of Donato of Donato Homes, Inc.'s, to specify the use allowed by the permit and has determined that it is in the best interest of the community to make the clarification.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the resolution adopted on November 21, 2022 by the Town Board of the Town of Lancaster granting a Special Use Permit to Fred Donato, of Donato of Donato Homes, Inc., is hereby amended to read as follows:

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(1)(v) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Fred Donato**, on behalf of **Donato Homes, Inc.**, for the operation of a Public Storage Facility composed of fourteen (14) buildings, with two-hundred fifty-five (255) rental units, and the rental office, on premises locally known as 5841 Genesee Street (SBL No. 94.00-2-11.11) in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance for the period November 21, 2022, through November 20, 2024, and
2. That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:
  - A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, on or before November 20, 2024.
  - B. Storage shall be solely inside the facility. There shall be no outside storage of any vehicles, materials, equipment or containers of any type.
  - C. Applicant will provide a copy of the business' New York State/Federal Tax Employer Identification Number and when applicable a License from the appropriate regulatory agency for the service being provided.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER DICKMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER LEARY, TO WIT:

**WHEREAS**, Alfreda Haniszewski, d/b/a Ed Henning Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situated at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 275 Salvage Yard and Chapter 400-23 D Junkyard/Salvage Yard Design Standards of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review, and

**WHEREAS**, the Building Inspector, by letter dated November 29, 2022 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Alfreda Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situated at 911 Ransom Road, Lancaster, New York for the period January 1, 2023 to December 31, 2023 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY SUPERVISOR RUFFINO, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER LEARY, TO WIT:

**WHEREAS**, Michelle Barbaro, Deputy Highway Superintendent – of the Town of Lancaster, by letter dated November 29, 2022 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Parks, Recreation & Forestry Department.

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the following individual is hereby appointed to the following part-time permanent position in the Town of Lancaster Parks, Recreation & Forestry Department, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees:

<b>NAME</b>	<b>ADDRESS</b>	<b>POSITION</b>	<b>HOURLY RATE</b>	<b>EFFECTIVE DATE</b>
Sandra NeVille	Lancaster, NY	Cleaner	\$15.92	December 6, 2022

**BE IT FURTHER,**  
**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER DICKMAN, TO WIT:

**WHEREAS**, William J. Karn, Jr., Chief of Police for the Town of Lancaster, by letter dated November 28, 2022 has recommended the appointment of Stephen Rozler to the position of Public Safety Dispatcher in the Town of Lancaster Police Department, and

**WHEREAS**, Stephen Rozler is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Stephen Rozler of Lancaster, New York, be and is hereby appointed to the full-time position of Public Safety Dispatcher, in the Town of Lancaster Police Department, at an annual salary of \$46,163.00 on step which represents 75% of the full salary of \$61,550.00, contingent upon approval by Erie County Department of Personnel, effective January 1, 2023 and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Lancaster Dispatch Employee Association and all applicable provisions of law.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**WHEREAS**, William J. Karn, Jr., Chief of Police for the Town of Lancaster, by letter dated November 28, 2022 has recommended the appointment of Lisa Zajac to the position of Clerk Typist in the Lancaster Police Department, and

**WHEREAS**, Lisa Zajac is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Lisa Zajac of Lancaster, New York, be and is hereby appointed to the full-time position of Clerk Typist, in the Lancaster Police Department, effective December 19, 2022, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the CSEA White Collar Union and all applicable provisions of law.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER DICKMAN, TO WIT:

**WHEREAS**, on November 21, 2022, the Town Board of the Town of Lancaster held a public hearing pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, Section 78 Special Use Permits, of the Code of the Town of Lancaster, upon the application of **Jeffrey S. Kirisits**, for a Special Use Permit for a Home Occupation (Ace Sealing Company, Inc. Office), for premises located at 16 Birchwood Common (SBL No. 93.14-1-29), Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard, and

**WHEREAS**, Code Enforcement Officer, Matt Fischione, has inspected the property and found it to be in conformance with the Home Occupations section of the Town Code for this Special Use Permit per his letter dated October 13, 2022.

**NOW, THEREFORE,  
BE IT RESOLVED**, that

1. Pursuant to Chapter 400-Zoning, §400-16(F), entitled "Home Occupations" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Jeffrey S. Kirisits**, for a Home Occupation (Ace Sealing Company, Inc. Office), for premises located at 16 Birchwood Common (SBL No. 93.14-1-29), Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, for the period beginning December 5, 2022 and ending December 4, 2024, and

2. That the applicant will continue in compliance with conditions as set forth in § 400-16(F) and § 400-78, of the Code of the Town of Lancaster for as long as he continues to engage in the home occupation on the premises, namely:

- A) Only persons residing on the premises shall be engaged in such occupation.
- B) There shall be no other changes in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- C) Applicant will obtain and provide at each renewal, a copy of the business' New York State Tax Identification Number and/or Federal Employer Identification Number.
- D) Special Use Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a written renewal request to the Town Clerk with all required documents on or before December 4, 2024.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER LEARY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**WHEREAS**, the flooring in the Town Hall is old and damaged and has become a safety hazard for the Town's employees and general public and needs to be replaced, and

**WHEREAS**, the flooring with installation and disposal is available from New York State Contract No. PC69410, Group 20600, and Award No. PGB23200, through State Contractor Mohawk Carpet Distribution, Inc., from authorized Retailer WNY Tile and Stone Corp., in the amount of \$14,469.58 per their quote dated November 7, 2022, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law.

**WHEREAS**, there is funding still available from Capital Project 165, therefore, there will be no budgetary impact on the 2022 Town Budget.

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts and authorizes the Supervisor of the Town of Lancaster to sign the flooring proposal for the Town Hall with WNY Tile and Stone, Corp., 139 Division Street, North Tonawanda, New York, authorized retailer under New York State Contract No. PC69410, Group 20600, Award No. PGB23200, through State Contractor Mohawk Carpet Distribution, Inc., in accordance with their proposal dated November 7, 2022, in the amount not to exceed \$14,469.58 which will be paid for with funds available from the Town's Capital Project 165.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER LEARY, TO WIT:

**WHEREAS**, the Town Board is considering the amended site plan application submitted by Joseph David for property located at 2753 Wehrle Drive (SBL No. 82.03-2-3.11) for the proposed construction of a 33,600 sq. ft. Sports Arena primarily for flag football with sports courts, restrooms, and other site improvements within the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on November 16, 2022, and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the plans for the construction project using the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

**WHEREAS**, the proposed action has been labeled an “Unlisted” action under SEQRA.

**NOW, THEREFORE,**

**BE IT RESOLVED**, by the Town Board of the Town of Lancaster that:

1. This proposed project, described as demolition of an existing poly greenhouse and construction of construction of a 33,600 sq. ft. Sports Arena primarily for flag football with sports courts, restrooms, and other site improvements located on the existing site on a +/-8.82-acre parcel at 2753 Wehrle Drive (SBL No. 82.03-2-3.11) will not result in any large and important impacts and, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.

2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.

3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.

4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: December 5, 2022**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”) has reviewed the proposed Site Plan amendment application submitted by Joseph David for property located at 2753 Wehrle Drive (SBL No. 82.03-2-3.11) for the proposed construction of a 33,600 sq. ft. Sports Arena primarily for flag football with sports courts, restrooms, and other site improvements within the Town of Lancaster. The Town Board has determined this project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Angry Buffalo Sports Arena Site Amendment.

**Location of Action:** 2753 Wehrle Drive (SBL No. 82.03-2-3.11), Lancaster, New York.

**SEQR Status:** Unlisted

**Description of Action:** The proposed development includes the construction of an approximate 33,600 square foot sports arena building. The building will contain an athletic field primarily for flag football games as well as an area designated for sport courts (i.e. volleyball, pickleball, etc.). A restroom is also planned for the building. Other improvements to the building include a domestic and fire suppression water lines to serve the sports arena as well as a sanitary sewer connection to the building. Additional site improvements include a private pump station and forcemain to serve the sports arena, existing restaurant and residential building east of the project.

The remainder of the project site will remain unchanged.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **Small impact.**
7. Will the proposed action impact existing:
  - a. public/private water supplies? **Small impact**
  - b. public/private wastewater treatment utilities? **No impact.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact, per NYS Parks, Recreation and Historic Preservation's letter dated August 1, 2016.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **Small impact. Stormwater Control Facility Maintenance Agreement filed with Erie County on July 28, 2022.**
11. Will the proposed action create a hazard to environmental resources or human health? **No impact.**

**For Further Information:**

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster, New York  
21 Central Avenue  
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER BURKARD, TO WIT:

**WHEREAS**, Joseph David, of the **Angry Buffalo Sports Arena**, has submitted an amended site plan application which consisted of a Topographical Survey prepared by Landesign Surveyors & Planners dated March 28, 2016 with a revision date of May 25, 2017 and received September 27, 2022; drawing CS (Sheet 1) dated June 20, 2016 with a revision date of September 9, 2022, drawing UP-1 (Sheet 4) dated September 9, 2022, drawings LP-1 (Sheet 5) & ESC-1 (Sheet 6) dated June 20, 2016 with a revision date of September 9, 2022, drawing DT-1 (Sheet 7) dated September 9, 2022 prepared by Metzger Civil Engineering, PLLC, received on September 27, 2022, and drawing SP-1 (Sheet 3) dated June 20, 2016 with a revision date of November 10, 2022 prepared by Metzger Civil Engineering, PLLC received November 16, 2022; and drawings A-1 & A-2 dated April 20, 2018 with a revision date of March 18, 2022 prepared by James Allen Rumsey Architect and F.J. Wailand Associates, Inc., and received September 27, 2022 for the construction of a 33,600 sq. ft. Sports Arena primarily for flag football with sports courts, restrooms, and other site improvements to be located at 2753 Wehrle Drive (SBL No. 82.03-2-3.11), in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was recommended for approval at their November 16, 2022 meeting, and

**WHEREAS**, the Planning Board completed an environmental review on November 16, 2022, in conformance with SEQR (State Environmental Quality Review) regulations; and the Town Board, acting as Lead Agency, issued a Negative Declaration on December 5, 2022.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the amended site plan submitted by Joseph David, of the **Angry Buffalo Sports Arena**, for the construction of a which consisted of a Topographical Survey prepared by Landesign Surveyors & Planners dated March 28, 2016 with a revision date of May 25, 2017 and received September 27, 2022; drawing CS (Sheet 1) dated June 20, 2016 with a revision date of September 9, 2022, drawing UP-1 (Sheet 4) dated September 9, 2022, drawings LP-1 (Sheet 5) & ESC-1 (Sheet 6) dated June 20, 2016 with a revision date of September 9, 2022, drawing DT-1 (Sheet 7) dated September 9, 2022 prepared by Metzger Civil Engineering, PLLC, received on September 27, 2022, and drawing SP-1 (Sheet 3) dated June 20, 2016 with a revision date of November 10, 2022 prepared by Metzger Civil Engineering, PLLC received November 16, 2022; and drawings A-1 & A-2 dated April 20, 2018 with a revision date of March 18, 2022 prepared by James Allen Rumsey Architect and F.J. Wailand Associates, Inc., and received September 27, 2022 for the construction of a 33,600 sq. ft. Sports Arena primarily for flag football with sports courts, restrooms, and other site improvements to be located at 2753 Wehrle Drive (SBL No. 82.03-2-3.11), in the Town of Lancaster, with the following conditions:

1. Contractor to provide an “As-built” survey to the Building Department prior to a Certificate of Compliance and/or Occupancy being issued.
2. Private Improvement Permits will be required to initiate site construction.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

**SUSPENDED RESOLUTION:**

SUPERVISOR RUFFINO requested a suspension of the necessary rules for immediate consideration of the following resolution:

A MOTION WAS MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER LEARY, TO SUSPEND THE RULES.

The question of the suspension was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

The suspension was GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR RUFFINO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER LEARY, TO WIT:

**RESOLVED**, that Thomas E. Fowler, Jr. be and is hereby appointed as Town Prosecutor for the Town of Lancaster effective December 5, 2022.

**BE IT FURTHER,**

**RESOLVED**, that Mr. Fowler shall be compensated an annual salary rate of \$13,795. for the fiscal year while serving as Town Prosecutor, and

**BE IT FURTHER,**

**RESOLVED**, that no provision of (a) the collective negotiations agreement between the Town and the CSEA White Collar Unit (the "CSEA White Collar Agreement"), (b) the Personnel Rules for Employees in the Service of the Town of Lancaster, or (c) any other previously adopted policy or rule establishing compensation and/or benefits for Town officers and employees, shall be deemed to apply to the Town Attorney, and

**BE IT FURTHER,**

**RESOLVED**, that this resolution shall become effective upon adoption, and shall supersede all previous resolutions of this Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

December 5, 2022

## COMMUNICATIONS & REPORTS

775. Cathy Braniecki to Cyndi Maciejewski –  
Recommend that the Town Board appoint Christopher Guck to the position of member of the Board of Assessment Review (BAR).  
Disposition = Received & Filed
776. Charter Communication to Town Clerk –  
Changes to channel line-up. Disposition = Received & Filed
777. Supervisor to Town Clerk –  
Letter informing that Mark S. Sonner has been appointed as Director of Administration & Finance effective November 22, 2022.  
Disposition = Received & Filed
778. Town Clerk to Matt Shaw, Skylighter of New York, LLC –  
Permit for fireworks display on November 24, 2022.  
Disposition = Received & Filed
779. Town Clerk to Various News Media –  
Press Release announcing that the Planning and Zoning Committee will hold a committee meeting Wednesday, December 7, 2022.  
Disposition = Received & Filed
780. Theresa Russo to Town Clerk –  
30-Day Advance Notice for CBOCS NY, LLC to change their license from a Restaurant Wine license to an on Premises license.  
Disposition = Received & Filed
781. Town Clerk to Code Enforcement Officer –  
Copy of renewal application for a 2023 License to Conduct a Salvage Yard for Advantage Trucks.com, LLC, 933 Ransom Road.  
Disposition = Code Enforcement, For Resolution
782. Town Clerk to Jerrod Blake, Sr., Waste Management of New York, LLC –  
Transmittal of license decals and a copy of Exhibit “B” from the application.  
Disposition = Received & Filed
783. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDEC regarding Tool Ranch Amendment, 3857 Walden Avenue, Proj. #4523. Disposition = Planning Committee
784. Planning Board Chairman to Planning Board, Town Board, Town Attorney, Engineering Consultant, Highway Superintendent and Building Inspector –  
Draft copy of minutes from November 16, 2022 Planning Board Meeting.  
Disposition = Received & Filed
785. Planning Board to Town Board –  
Memo recommending approval of Site Plan Review for Angry Buffalo Sports Arena, 2753 Wehrle Drive; Proj. #1501. Disposition = Planning Committee
786. Lisa Zajac to Supervisor –  
Letter of resignation from the position of Assistant to the Supervisor effective December 12, 2022. Disposition = Received & Filed
787. Town of Clarence Planning & Zoning Dept. to Town Clerk –  
Copy of Part I Environmental Assessment Form and draft ordinance text changes to the Town of Clarence Code. Disposition = Received & Filed
788. Town Clerk to Brian Sutter, Modern Disposal Services, Inc. –  
Transmittal of license decals and a copy of Exhibit “B” from the application.  
Disposition = Received & Filed

789. Town Clerk to Michael Clark, New Enterprise Stone & Lime co. Inc. –  
Transmittal of Special Use Permit for 2023 to excavate sand, gravel & stone  
aggregates at the site outlined. Disposition = Received & Filed
790. Town Clerk to Code Enforcement Officer –  
Copy of renewal application for a 2023 License to Conduct a Salvage Yard for  
J. Renkas & Sons d/b/a AJA's Auto Parts & Salvage, 955 Ransom Rd.  
Disposition = Code Enforcement
791. Susan Jacobs, President Board of Trustees Lancaster Library to Supervisor –  
Information regarding proposed renovation of staff space at the Lancaster  
Library and recommend that MGR be retained to complete the renovation.  
Disposition = Received & Filed
792. Legal Assistant to NYSDEC, Erie County DPW, Erie County Health Dept.,  
US Army Corp of Engineers, Div. of Sewerage Management, Erie County  
Water Authority and LIDA Review Planner –  
Request for lead agency status regarding Coordinated Review, Preliminary  
Plat Pine Hill Estates, 611 Pavement Road. Disposition = Planning Committee
793. Town Attorney to NYSDEC, Erie County DEP, Erie County Health Dept.,  
US Army Corp of Engineers, Div. of Sewerage Management, NYSDOT,  
DEP Office of Agriculture and Erie County Water Authority –  
Request for lead agency designation regarding (Revised) Rezone from  
Agricultural Residential to General Commercial, 00 Broadway.  
Disposition = Planning Committee
794. Code Enforcement Officer to Town Board –  
Request for authorization to remove vehicle GPS equipment from the remaining  
fleet of the Department Vehicles. Disposition = Received & Filed
795. Code Enforcement Officer to Town Board –  
Recommend approval of Special Use Permit for MJJ Property Management,  
LLC, 6140 Genesee St. with the original conditions. Disposition = For Resolution
796. Code Enforcement Officer to Town Board –  
Recommend renewal of Special Use Permit for Northeast Diversification,  
954 Ransom Rd. aka 2 Cadby Industrial Park with same conditions.  
Disposition = For Resolution
797. Code Enforcement Officer to Town Clerk –  
Recommend renewal Application for 2023 License to Conduct a Salvage Yard  
For Ed Henning, Inc., 911 Ransom Road. Disposition = Resolution 12/5/22
798. Charter Communications to Town Clerk –  
Changes to channel lineup. Disposition = Received & Filed
799. Town Clerk to Paul Stephan –  
Need to renew Special Use Permit for 6355 Broadway to operate a Warehouse  
and Storage Services Facility which will expire on January 18, 2023.  
Disposition = Received & Filed
800. Village Planning Commission to Supervisor –  
Notice of Site Plan Review for Fattay Beer Co., 1 W. Main St., Lancaster, NY  
on December 15, 2022 at 7:00PM. Disposition = Received & Filed
801. Village of Lancaster to Supervisor –  
Notice of Site Plan Review for 19 West Main St., Suite 500, Lancaster, NY  
(Change of Use) on December 15, 2022 at 7:00PM. Disposition = Received & Filed

- 802. Deputy Highway Superintendent to Supervisor and Town Board –  
Request for resolution appointing Sandra NeVille, Lancaster, NY to the  
position of part-time permanent employee in the Parks, Recreation & Forestry  
Department effective December 6, 2022. Disposition = Resolution 12/5/22**
- 803. Patrol Captain Laurienzo to Planning Board Chairman –  
No objection to Site Plan Review – Proj. #2158. Disposition = Received & Filed**
- 804. Lee Chowaniec to Town Board –  
Comments regarding Condominium Law 339-y changes.  
Disposition = Received & Filed**
- 805. Police Chief to Supervisor and Town Board –  
Request for resolution appointing Stephen Rozler, Lancaster, NY to the  
position of public safety dispatcher in the Police Department effective  
January1, 2023. Disposition = Resolution 12/5/22**
- 806. Patrick Farruggio to Town Clerk –  
Request for reappointment as Bingo Inspector for the Town of Lancaster for  
2023. Disposition = Received & Filed**
- 807. Police Chief to Supervisor and Town Board –  
Request for resolution appointing Lisa Zajac, Lancaster, NY to the position of  
clerk typist/administrative assistant in the Police Department effective  
December 19, 2022. Disposition = Resolution 12/5/22**
- 808. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed**
- 809. Stormwater Management Officer to Drainage & Storm Sewer Committee –  
MS4 Report for November 2022. Disposition = Received & Filed**
- 810. Cynthia Maciejewski to Supervisor and Town Board –  
Request to be reappointed to the position of Secretary to the Town of  
Lancaster Planning Board for 2023. Disposition = Received & Filed**
- 811. Code Enforcement Officer to Town Board –  
Information regarding Chapter 140 Construction Code, Uniform.  
Disposition = Received & Filed**

**ADJOURNMENT:**

**MOTION WAS MADE BY COUNCIL MEMBER LEARY AND  
SECONDED BY COUNCIL MEMBER DICKMAN**, to adjourn the meeting in memory of  
Carolyn Girardi, William Loewer Sr., William Kihl, Rita Rayter, Daniel Santana and Gordon  
Willis at 9:03 P.M.

ALL IN FAVOR, MOTION CARRIED, MEETING ADJOURNED.

December 5, 2022

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk